

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Servants - Commercial Taxes Department - Allegation of acquisition of assets disproportionate to the known sources of his legal income against Sri Ch. Ram Gopal, former Senior Assistant, O/o. Commercial Tax Officer, Samarangam Chowk, Vijayawada, Krishna district by violating CCA Rules - Disciplinary proceedings initiated under rule 20 of APCS (CC&A) Rules, 1991 against the Accused Officer - Enquiry conducted - Punishment of 10% cut in pension for a period of one year - Imposed - Orders - Issued.

REVENUE (VIGILANCE - I) DEPARTMENT

G.O.Rt.No. 25

Dated:04.01.2013.

Read the following:-

1. Govt. Memo.No.40250/Vig.I(2)/2002-11, Dt: 14.6.2006.
2. Proceedings of the Deputy Commissioner (Commercial Taxes), VJA-I in Rc.No.A1/959/2002, Dt.4.7.2006.
3. Proceedings of the Deputy Commissioner (Commercial Taxes), VJA-I in Rc.No.A1/959/2002, Dt.2.12.2008.
4. From the Commissioner of Commercial Taxes, A.P, Hyderabad, letter, No.V4/1354/2002, dated 23.4.2011.
5. Judgment of Spl. Judge for SPE & ACB cases, Vijayawada in CC No.37 of 2007, dt.30.3.2011.
6. G.O.Ms.No.611, Rev.(Vig.I) Dept., Dt.31.5.2011.
7. Govt. Memo.No.40250/Vig.I(2)/2002-15, dt.4.1.2012.
8. Representation of Sri Ch. Ramgopal, Senior Assistant (Retired), dt.27.2.2012.

ORDER:

In the reference 1st read above instructions were issued to the Commissioner of Commercial Taxes, Hyderabad to direct the competent authority to initiate departmental action against Sri Ch. Ramgopal, former Senior Assistant, O/o. Commercial Tax Officer, Samarangam Chowk, Vijayawada for violation of APCS (Conduct) Rules, 1964. In the reference 2nd read above, the Deputy Commissioner (Commercial Taxes), Vijayawada-1 Division framed charges against Sri Ch.Ramgopal, former Senior Assistant.

2. The Deputy Commissioner (Commercial Taxes), Vijayawada-1 Division appointed the Assistant Commissioner (Commercial Taxes) (LTU), Vijayawada-I Division as Inquiry Officer and the Commercial Tax Officer, Kothapeta as Presenting Officer to conduct enquiry into the matter, vide reference 3rd read above. In the reference 4th read above, the Commissioner of Commercial Taxes, A.P, Hyderabad has furnished the inquiry report of the Assistant Commissioner (Commercial Taxes) (LTU), Vijayawada -I Division, dated 23.6.2009, wherein the Inquiring Authority observed that there is no irregularity committed by the Charged Officer in following rules under provisions for which he was charged.

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3. Meanwhile, in the reference 5th read above, the Special Judge for SPE & ACB Cases, Vijayawada pronounced judgment on 30-3-2011 in CC No.37/2007 and found the Accused Officer Sri Ch. Ramgopal, former Senior Assistant guilty of the offences and convicted him for the offences under Prevention of Corruption Act, 1988. Government, after following due procedure, imposed the penalty of withholding of entire pension and gratuity in full permanently on Sri Ch. Ramgopal, Senior Assistant (Retired) vide reference 6th read above.

4. Government have examined the inquiry report and disagreed with the findings of Inquiring Authority and communicated the disagreement factors together with a copy of the Inquiry Report to Sri Ch. Ramgopal, Senior Assistant (Retired), under rule 21 (2) of APCS (CC&A) Rules, 1991 with a direction to submit his representation, if any, to Government vide reference 7th read above.

5. In the reference 8th read above, Sri Ch. Ramgopal, Senior Assistant (Retired), among others, has represented that no evidence is adduced during the enquiry to show that he acquired the property mentioned in the Count-I of charge out of his own funds in the name of his wife and the evidence adduced during the enquiry clearly established that he had no knowledge about the said acquisition of property and as soon as the said transaction came to his notice he has intimated about it to the disciplinary authority and the observation of the Hon'ble Court that the Accused Officer failed to obtain prior permission was unwarranted as there was no such charge before the said court and it clearly exposes that the learned judge was unaware of the provisions of the APCS (Conduct) Rules, 1964, according to which no permission was contemplated as on the year 1989 or 1990. Therefore the said observation of the learned court does not stand to any scrutiny and hence the same cannot be a ground to disagree with findings of the learned enquiry officer. He has also stated that no evidence is produced during the enquiry to show that he constructed the house mentioned in the Count-III of charge in the name of his father. The enquiry report is based on the evidence adduced during the enquiry and the learned disciplinary authority required to take a decision basing on the evidence adduced during the enquiry and it is not justified to consider any other factor. He has also stated that the judgment of the Hon'ble Court, dt.31.3.2011 in CC.No.37/2007 is stayed by the Hon'ble High Court of A.P., by order, dt.6.4.2011 in Crl.A.M.P.No.722/2011 in Crl.A.No.391/2011. Therefore the said judgement cannot be taken into consideration at this stage till the matter is disposed off by the Hon'ble High Court of Andhra Pradesh and the averment that the above property was benami is imaginary and does not merit any consideration and requested to drop further action.

6. Government have examined the matter and observe that it is improbable that he did not know about the property transaction of his wife. The property was acquired on 07.04.1989. As per the orders/ instructions in vogue, he has to intimate the above transaction on or before 31st January of the succeeding year, whereas he intimated the above transaction through his letter, dt.20.10.1990. Accordingly, he has violated the orders / instructions in vogue. Hence, it is hereby decided to impose a punishment of 10% cut in pension for a period of one year on the Delinquent Officer Sri Ch. Ramgopal, Senior Assistant (Retired); under Rule 9 of A.P. Revised Pension Rules, 1980.

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7. Now, therefore, in exercise of the powers conferred under rule 9 of A.P. Revised Pension Rules, 1980 read with rule 20 of the A.P. Civil Services (CCA) Rules, 1991, Government hereby impose the punishment of 10% cut in pension for a period of one year on the Delinquent Officer Sri Ch. Ramgopal, Senior Assistant (Retired). However the same shall be subsumed in the layer punishment of withholding of entire pension and gratuity in full permanently was already imposed on Sri Ch. Ramgopal, Senior Assistant (Retired), in the reference 6th read above.

8. The Commissioner of Commercial Taxes, A.P, Hyderabad shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri Ch. Ramgopal, Senior Assistant (Retired),
O/o. the Commercial Tax Officer, Samarangam Chowk,
Vijayawada, Krishna District.

through Commissioner of Commercial Taxes, A.P, Hyderabad.

The Commissioner of Commercial Taxes, AP, Hyderabad.

(with a request to serve the G.O. on the individual and send the served copy with dated signature to Govt. for record.)

Copy to:

The Accountant General, Andhra Pradesh, Hyderabad.

The Director General, Anti-Corruption Bureau, Hyderabad.

The Secretary to V.C, A.P. Vigilance Commission, Hyderabad.

PS to Principal Secretary to Govt., Revenue Department.

The Revenue (CT-III) Department.

SF/SC

//Forwarded :: By Order //

SECTION OFFICER.